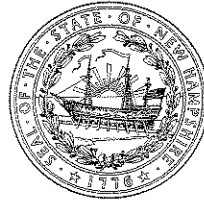


**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

SUBMISSION 656:6

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



MICHAEL A. DELANEY
DEPUTY ATTORNEY GENERAL

June 17, 2005

Section 5 Submission

Chief, Voting Section
Civil Rights Division
Room 7254 – NWB
Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20006

Re: Submission Under Section 5 of the Voting Rights Act for:

New Hampshire Revised Statute Annotated ("RSA") 656:6, a STATUTE clarifying the general election ballot instructions regarding the number of persons to be voted for, most recently amended by Laws of 2005 Chapter 62 and previously amended by the chapters cited below.

Dear Voting Section Chief:

Pursuant to 42 U.S.C. § 1973 (c), the State of New Hampshire, through the Office of the New Hampshire Attorney General, hereby submits RSA 656:6, a STATUTE clarifying the general election ballot instructions regarding the number of persons to be voted for, most recently amended by Laws of 2005 Chapter 62 and previously amended by the chapters cited below.

SUBMISSION

In accordance with 28 C.F.R. § 51.27, the submission is as follows:

- a) Chapter 62 (2005) amending RSA 656:6 is attached (Exhibit 656:6 A)
 - 1. Chapter 201 (2004) amending RSA 656:6 is attached (Exhibit 656:6 B)
 - 2. Chapter 309 (1994) amending RSA 656:6 is attached (Exhibit 656:6 C)

3. Chapter 324 (1994) amending RSA 656:6 is attached (Exhibit 656:6 D)
 4. Chapter 126 (1986) amending RSA 656:6 is attached (Exhibit 656:6 E)
- b) Chapter 436 (1979) recodified as RSA 656:6 is attached (Exhibit 656:6 E)
- c) The changes made by amendments to RSA 656:6 are as follows:
1. Chapter 62 (2005) replaces the word “any” with the words “not more than.”
 2. Chapter 201 (2004) repealed RSA 656:6 and reenacted it as follows: *“Immediately to the left of the set of party columns shall be an offices column which shall list the offices, each preceded by the word ‘For,’ for which the candidates whose names are listed in the party columns have been nominated, as in ‘For Governor.’ Below each such phrase shall be printed in small but easily legible letters ‘Vote for any (here insert a number designating how many persons are to be voted for)’”*.
 3. Chapter 309 (1994) repealed RSA 656:6 and reenacted it as follows: *I. The office to which the candidates have been nominated shall be printed at the top of each box in which are grouped the candidates for the same office, with each box preceded by the word ‘For’, as in ‘For Governor’. Below such designation for office shall be printed ‘Vote for not more than (here insert a number designating how many persons are to be voted for).’ II. In places which are electing representatives to the general court from more than one district, there shall also be printed in small but easily legible letters below the phrase ‘Vote for not more than (here insert a number designating how many persons are to be voted for),’ the county, and the number of the representative district for which the person is a candidate, subject to the numerical order required by RSA 656:7-a.”*
 4. Chapter 324 (1994) replaced the words “representatives to the general court” with “state representatives” following “electing” in paragraph II.
 5. Chapter 126 (1986) repealed RSA 656:6 and reenacted it as follows: *“Immediately above the offices column shall be printed the instructions to voters as provided in RSA 659:18.*

The offices column shall be immediately to the left of the set of party columns. The offices column shall list the offices, each preceded by the word 'For', for which the candidates whose names are listed in the party columns have been nominated, as in 'For Governor'. Below each such phrase shall be printed in small but easily legible letters 'Vote for any (here insert a number designating how many persons are to be voted for)'".

- d) This submission is made by: Senior Assistant Attorney General Orville B. Fitch II, 33 Capitol Street, Concord, New Hampshire 03301, Phone: (603) 271-1238.
- e) The submitting authority is New Hampshire Attorney General, Kelly A. Ayotte for the State of New Hampshire.
- f) Not applicable.
- g) The changes for which pre-clearance is sought were made by a decision of the New Hampshire General Court (Legislature).
- h) In accordance with Amendment X of the U.S. Constitution, the New Hampshire General Court, the State's legislature, acting pursuant to the New Hampshire Constitution Part Second, Article 2, granting supreme legislative power within the state to the House and Senate, who with right to negate each other are granted power to make law through Part Second, Article 5. Additional authority regarding election law is vested in Part First, Article 11.

The legislature through a bicameral process passed law to create Chapter 62 (Exhibit 656:6 A). The bill was signed into law (by the Governor) on May 10, 2005, pursuant to New Hampshire Constitution Part Second, Article 44.

- i) Adoption dates:
 - 1. Chapter 62 (2005) adopted May 23, 2005
 - 2. Chapter 201 (2004) adopted June 11, 2004
 - 3. Chapter 309 (1994) adopted June 8, 1994
 - 4. Chapter 324 (1994) adopted June 8, 1994
 - 5. Chapter 126 (1986) adopted May 20, 1986

j) Effective dates:

1. Chapter 62 (2005) effective July 22, 2005
2. Chapter 201 (2004) effective January 1, 2005
3. Chapter 309 (1994) effective June 8, 1994
4. Chapter 324 (1994) effective June 8, 1994
5. Chapter 126 (1986) effective July 19, 1986

k) The changes made by Chapter 62 (2005) have not been enforced. The changes made by the laws of 2004, Chapter 201, by the laws of 1994, Chapters 309 and 324 and by the laws of 1986, Chapter 126 have been enforced.

l) The changes affect the entire State of New Hampshire.

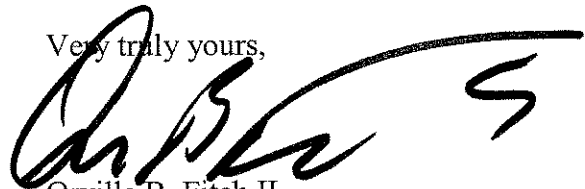
m) The purpose of the changes are as follows:

1. The purpose of the Chapter 62 (2005) change is to clarify the wording of the ballot by using the language "*not more than*" rather than "*any*" in order to make the ballot more understandable to voters.
2. The purpose of the Chapter 201 (2004) change is to organize the ballot using party columns rather than office blocks. The goal of this change is to make the ballot simpler to read and to clarify the identity of the candidate with the party he/she represents. This change reflects advances in technology whereby optical scanning ballot counting devices are now available that will count ballots organized in the party column style. Prior to the initial use of optical scanning machines the State had traditionally used party column style ballots.
3. The purpose of the Chapter 309 (1994) change is to change the ballot in order to list the candidates by office block rather than in party columns. The change is required in part to establish a uniform statewide ballot. Municipalities that had chosen to use optical scanning ballot counting machines which are incapable of scanning party column style ballots, had been allowed to adopt office block style ballots. A uniform statewide ballot style reduced ballot preparation and printing costs.

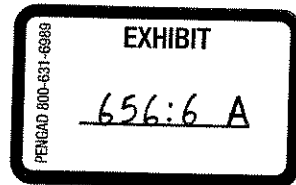
4. The purpose of the Chapter 324 (1994) change is to clarify the wording of paragraph II by using the phrase "*state representatives*" as opposed to "*representatives to the general court.*"
 5. The purpose of the Chapter 125 (1986) change is part of an overall effort by the defense department to provide for easier voting by individuals stationed overseas. Chapter 125 assisted in this effort by reenacting RSA 656:6 and adding instructions to be printed above the offices column in addition to other minor changes from the previous version.
- n) These changes do not negatively target any protected class under section 5 of the Voting Rights Act of 1965. 42 U.S.C. 1973c. They are expected to have neutral impact and do not meet the test of retrogression defined in *Reno v. Bossier Parish Sch. Bd.*, 520 U.S. 471, 478 (1997). "(T)he ability of minority groups...to elect their choices to office" will not be diminished. *Beer v. U.S.*, 425 U.S. 130, 141 (1976).
- o) None known.
- p) RSA 656:6 was precleared through 1979 on June 22, 2004 by D.O.J. file numbers 2004-2563, 2004-2581 and 2004-2582. A copy of this preclearance is attached as Exhibit 656:6 F. This submission seeks preclearance of all subsequent changes.
- q) Not applicable as this is not a redistricting plan.
- r) Exhibit 656:6 G is a copy of a Press Release of this submission, its availability, and inviting comment to federal Department of Justice.

I expect the foregoing information is sufficient to enable the United States Attorney General to make the required determination pursuant to Section 5 of the Voting Rights Act. If further information is required or would be helpful, please contact me.

Very truly yours,



Orville B. Fitch II
Senior Assistant Attorney General
Civil Bureau
(603) 271-1238
bud.fitch@doj.nh.gov



CHAPTER 62
HB 483 – FINAL VERSION
2005 SESSION

05-0764

03/01

HOUSE BILL **483**

AN ACT relative to instructions to be placed on the general election ballot.

SPONSORS: Rep. Dorsett, Graf 8; Rep. Dickinson, Carr 1; Rep. Drisko, Hills 5; Rep. Reeves, Hills 8

COMMITTEE: Election Law

ANALYSIS

This bill clarifies the general election ballot instructions regarding the number of persons to be voted for.

Explanation: Matter added to current law appears in *bold italics*.

Matter removed from current law appears ~~[in brackets and struck through.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

05-0764

03/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Five

AN ACT relative to instructions to be placed on the general election ballot.

Be it Enacted by the Senate and House of Representatives in General Court convened:

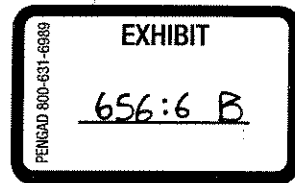
62:1 Voting Materials; State General Election; Designation of Office. Amend RSA 656:6 to read as follows:

656:6 Designation of Office. Immediately to the left of the set of party columns shall be an offices column which shall list the offices, each preceded by the word "For," for which the candidates whose names are listed in the party columns have been nominated, as in "For Governor." Below each such phrase shall be printed in small but easily legible letters "Vote for [any] *not more than* _____ (here insert a number designating how many persons are to be voted for)."

62:2 Effective Date. This act shall take effect 60 days after its passage.

(Approved: May 23, 2005)

(Effective Date: July 22, 2005)



CHAPTER 201
HB 176 – FINAL VERSION

04/22/04 1221s

25May2004... 1616CofC

2004 SESSION

03-0618

03/10

HOUSE BILL **176**

AN ACT relative to listing candidates on ballots and relative to instructions to voters.

SPONSORS: Rep. Stritch, Rock 75

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill requires the names of candidates to be listed in party columns on the state general election ballot. This bill also revises the instructions to voters to be placed on general election ballots.

Explanation: Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

04/22/04 1221s

25May2004... 1616CofC

03-0618

03/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Four

AN ACT relative to listing candidates on ballots and relative to instructions to voters.

Be it Enacted by the Senate and House of Representatives in General Court convened:

201:1 Party Columns. RSA 656:5 is repealed and reenacted to read as follows:

656:5 Party Columns. The names of all candidates nominated in accordance with the election laws shall be arranged upon the state general election ballot in successive party columns. Each separate column shall contain the names of the candidates of one

party; except that, if only a part of a full list of candidates is nominated by a political party, 2 or more such lists may be arranged whenever practicable in the same column. The first column shall contain the names of the candidates of the party which received the largest number of votes at the last preceding state general election.

~~201:2 Designation of Office. RSA 656:6 is repealed and reenacted to read as follows:~~

656:6 Designation of Office. Immediately to the left of the set of party columns shall be an offices column which shall list the offices, each preceded by the word "For", for which the candidates whose names are listed in the party columns have been nominated, as in "For Governor". Below each such phrase shall be printed in small but easily legible letters "Vote for any (here insert a number designating how many persons are to be voted for)".

~~201:3 Party Designation. RSA 656:9 is repealed and reenacted to read as follows:~~

656:9 Party Designation. Above each party column shall be printed in large, plain letters the name of the political party by which the candidates in such column were nominated.

~~201:4 Marking the Ballot; Instructions to Voters. RSA 659:17 is repealed and reenacted to read as follows:~~

659:17 Marking the Ballot; Instructions to Voters. The secretary of state shall provide on the top of the general election ballot the following voting instructions. The secretary of state is authorized to replace the phrase "Make the appropriate mark" with an appropriate description and example of the mark to be made for the type of ballot in use, such as "Make a cross (X) in the box," "Completely fill in the oval," or "Complete the arrow":

1) To Vote

Make the appropriate mark to the right of your choice. For each office vote for not more than the number of candidates stated in the sentence: "Vote for not more than ____." If you vote for more than the stated number of candidates, your vote for that office will not be counted.

2) To Vote a Straight Ticket

To vote for all candidates running in the same political party (straight ticket), make the appropriate mark to the right of the party name in the straight ticket section of the ballot. You may vote a straight ticket and also vote for individual candidates from any party. If you vote for an individual candidate, the straight ticket vote for only that office is canceled. If more than one candidate is to be elected for an office, you must mark each of your choices for that office. If you vote a straight ticket and do not make the appropriate mark to the right of any candidate for an office, your straight ticket vote will count for that office.

3) To Vote by Write-In

To vote for a person whose name is not printed on the ballot, write in the name of the person in the "write-in" space. Make the appropriate mark to the right of your choice.

~~201:5 Repeal. RSA 659:18, relative to instructions for write-in voting, is repealed.~~

~~201:6 Effective Date.~~

I. Sections 1-3 of this act shall take effect January 1, 2005.

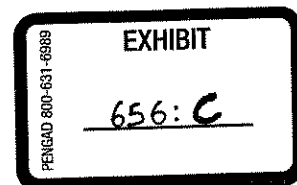
II. The remainder of this act shall take effect upon its passage.

(Approved: June 11, 2004)

(Effective Date: I. Sections 1-3 shall take effect January 1, 2005.

II. Remainder shall take effect June 11, 2004.)

3feb94.....3929h



CHAPTER 309

HOUSE BILL - FINAL VERSION

1994 SESSION 0573B

93-0327

10

HOUSE BILL NO. 449

INTRODUCED BY: Rep. Gilmore of Straff 11; Rep. Flanagan of Rock 14;

Rep. Holden of Hills 14

REFERRED TO: Constitutional and Statutory Revision

AN ACT relative to listing candidates on general election ballots.

AMENDED ANALYSIS

This bill changes the form of the ballot used in state general elections by eliminating the party columns, and it provides for listing all candidates in one column according to the office sought. Candidates are grouped according to the party which nominates them, and are listed alphabetically within each party grouping according to their surnames, and the name of the party which nominates a candidate appears to the right of the candidate's name. The instructions to voters on general election ballots are also changed from "vote for any ..." to "vote for not more than ...".

The bill also amends the provision for straight ticket voting in state primary and state general elections, and the instructions for marking the ballot.

EXPLANATION: Matter added appears in ***bold italics***.

Matter removed appears in [brackets].

Matter which is repealed and reenacted or all new appears in regular type.

3feb94.....3929h

CHAPTER 309

HOUSE BILL - FINAL VERSION

0573B

93-0327

10

HB 449

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand

nine hundred and ninety-four

AN ACT

relative to listing candidates on general election ballots.

Be it Enacted by the Senate and House of Represen-

tatives in General Court convened:

309:1 Form of Ballot. RSA 656:5 is repealed and reenacted to read as follows:

656:5 Listing Candidates on Ballot.

I. The names of all candidates nominated in accordance with the election laws shall be arranged by office in accordance with the provisions of RSA 656:7. The names of candidates for any one office shall not be split into more than one column.

II. All candidates for the same office shall be placed on separate lines within a separate box. The name of each candidate shall be grouped according to the party which nominates the candidate, and the names of the candidates of the party which received the largest number of votes at the last preceding state general election shall be listed first. The names of the candidates shall be printed with the given name first, and the candidates shall be listed alphabetically according to their surnames within each party grouping. The name of the party which nominates the candidate shall be printed to the right of the candidate's name.

~~309:2~~ Designation of Offices on Ballot. RSA 656:6 is repealed and reenacted to read as follows:

~~656:6~~ Designation of Office.

I. The office to which the candidates have been nominated shall be printed at the top of each box in which are grouped the candidates for the same office, with each box preceded by the word "For", as in "For Governor". Below such designation for office shall be printed "Vote for not more than (here insert a number designating how many persons are to

be voted for)."

II. In places which are electing representatives to the general court from more than one district, there shall also be printed in small but easily legible letters below the phrase "Vote for not more than (here insert a number designating how many persons are to be voted for)," the county, and the number of the representative district for which the person is a candidate, subject to the numerical order required in RSA 656:7-a.

309:3 Removing Order of Offices from Party Columns. RSA 656:7 is repealed and reenacted to read as follows:

656:7 Order of Offices. The order of the officers on the ballot shall be as follows: president and vice-president of the United States, governor, United States senator, representative in congress, executive councilor, state senator, state representative and county officers.

309:4 Party Designation. RSA 656:9 is repealed and reenacted to read as follows:

656:9 Party Designation. There shall be printed to the right of the candidate's name the name or names of the political party or parties by which the candidate is nominated or an abbreviation of the name or names of the party or parties.

309:5 Straight Ticket Voting. RSA 656:10 is repealed and reenacted to read as follows:

656:10 Straight Ticket Voting. The secretary of state shall prepare voting instructions for straight ticket voting for each of the political parties listed on the ballot which shall be placed on the top of the general election ballot.

309:6 Amending Form of Write-In Blanks. RSA 656:12 is repealed and reenacted to read as follows:

656:12 Write-In Blanks. At the end of the list of candidates for each office, there shall be left as many blank lines as there are offices to be filled which a voter may use to write in the name of any person for whom he desires to vote.

309:7 Removing Reference to Party Column. Amend RSA 656:13 to read as follows:

656:13 Questions on the Ballot. Except as provided in RSA 656:14, whenever a question is submitted to voters at a state general election as provided in RSA 663, the question shall be printed on the state general election ballot below the [party and] offices [columns] **column**. Printed after the question there shall be 2 squares, one with the word "yes" beside it and another with the word "no" beside it.

309:8 Amending Form of Primary Ballot. RSA 656:23 is repealed and reenacted to read as follows:

656:23 General Form. The state primary election ballot shall be as nearly as practicable in the same form as the state general election ballot, except that to the right of the name of each office shall be printed the words "Vote for not more than", instead of "Vote for any", and that blank lines for write-in votes shall be placed below the names printed on the ballot.

309:9 Amending Ballot to be Marked. RSA 659:17 is repealed and reenacted to read as follows:

659:17 Marking the Ballot; Instructions to Voters.

I. The secretary of state shall provide on the top of the general election ballot the following voting instructions: "Vote for the candidate of your choice for each office by making the appropriate mark. Follow directions as to the number of candidates to be elected to each office".

II. A voter may vote for a candidate in a state general election, or in a state or presidential primary election, by making the appropriate mark for the name of each candidate for whom he wishes to vote. If he desires to vote for a candidate whose name is not printed on the ballot, he shall write in the name of the person for whom he desires to vote in the space provided for that purpose.

III. In a state general election, the following instructions to voters for straight ticket voting shall be printed on the ballot: Make the appropriate mark for the political party of your choice if you wish to vote for all candidates running in that party. If you vote a straight ticket, but wish to vote for one or more individual candidates of a different party, you may do so, and your vote for an individual candidate will

override the straight party vote for that office. However, if you vote for one candidate of a different party for an office where more than one candidate is to be elected, be sure to vote individually for all candidates of your choice for that office, because your straight ticket vote will not be counted for that office.

IV. In a state general election, the following instructions to voters for split ticket voting shall be printed on the ballot: If you do not wish to vote for one political party, make the appropriate mark.

309:10 Write-In Instructions. RSA 659:18 is repealed and reenacted to read as follows:

659:18 Instructions for Write-In Voting. In a state general election, the following instructions to voters for write-in voting shall be printed on the ballot: If you wish to vote for candidates whose names are not printed on the ballot, write in the names on the blank lines for write-in votes, as provided in RSA 656:12.

309:11 Counting Straight Party Votes. Amend RSA 659:66 to read as follows:

659:66 Counting Straight Party Vote. If, in accordance with RSA 659:[18]**17**, a ballot is marked to indicate a straight party vote, but the name of a candidate for an office [in the party column] is erased or cancelled and a cross is in the square beside the name of another candidate for that office [in another party column], or the name of a person is written [in in] **on the lines for** write-in **votes** [blank in the right-hand column corresponding to the office], then the vote so marked in the square or so written [in in] **on the lines for** write-in [blank]

votes shall be counted and a vote shall not be counted for the candidate whose name is erased or cancelled.

309:12 Reference to Party Columns Removed. Amend RSA 663:1 to read as follows:

663:1 Form on Ballot; Tabulation; Results; Etc. The questions to voters provided for in this chapter may be submitted on the ballot at any state election. Except as provided in RSA 663:2, questions submitted on the state general election ballot shall be printed on the ballot beneath the [office and party columns] **offices column** in the form provided for in RSA 656:13. Except as otherwise provided in this chapter, the vote on questions to voters shall be counted and returns made in as nearly as practicable the same manner as that provided in RSA 659.

309:13 Placement of Party Emblem. Amend RSA 656:11 to read as follows:

656:11 Party Emblem. [Above each circle] **There** shall be [placed] **for straight ticket voting** an emblem designating or distinguishing the political party [assigned to that column]. The emblem or device shall be selected by the secretary of state for each political party represented upon the ballot and shall be different for each of such parties and may be any appropriate symbol; but neither the coat of arms nor the seal of any state, nor of the United States, nor the national flag, nor any religious emblem or symbol, nor the portrait of any person, nor the representation of a coin nor of the currency of the United States shall be chosen as a distinguishing emblem.

309:14 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 8, 1994

Effective: August 7, 1994

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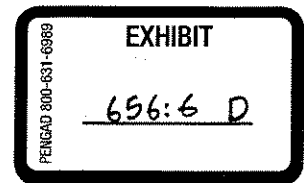
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5/25/94...6660B-EBA



CHAPTER 324

HOUSE BILL - FINAL VERSION

1994 SESSION 4087B

94-2354

10/08

HOUSE BILL 1426

AN ACT relative to the placement of candidates' names on the ballot.

SPONSORS: Rep. Gilmore, Straff 11

COMMITTEE: Constitutional and Statutory Revision

AMENDED ANALYSIS

This bill provides that the alphabetical order of all the candidates' surnames for the office of state representative on state primary and general election ballots shall be determined by the secretary of state once every 2 years, beginning in 1994. On the first day of the filing period, the secretary of state shall hold a public drawing in his office to randomly pick one letter of the alphabet. The alphabetical order of candidates' names to be used for that election year shall begin with the letter picked by the secretary of state.

The bill changes the form of the ballot used in state general elections relative to references to the term "state representative," printing questions on the ballot, marking the ballot for split ticket voting, and counting straight party votes. The bill also changes the form of the ballot used in state primary elections relative to marking the ballot and the general form of the ballot.

EXPLANATION: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears in [brackets].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

5/3/94....6201s

5/25/94...6660B-EBA

CHAPTER 324

HOUSE BILL - FINAL VERSION

4087B

94-2354

10/08

HB 1426

STATE OF NEW HAMPSHIRE

In the year of Our Lord

One Thousand Nine Hundred and Ninety-Four

AN ACT

relative to the placement of candidates' names on the ballot.

Be it Enacted by the Senate and House of

Representatives in General Court convened:

324:1 Reference to State Representative. Amend RSA 656:6, II to read as follows:

II. In places which are electing **state** representatives [to the general court] from more than one district, there shall also be printed in small but easily legible letters below the phrase "Vote for not more than (here insert a number designating how many persons are to be voted for)," the county, and the number of the representative district for which the person is a candidate, subject to the numerical order required in RSA 656:7-a.

324:2 Printing Question on State General Election Ballot. Amend RSA 656:13 to read as follows:

656:13 Questions on the Ballot. Except as provided in RSA 656:14, whenever a question is submitted to voters at a state general election as provided in RSA 663, the question shall be printed on the state general election ballot [below] **following** the offices [column] **columns**. Printed after the question there shall be 2 squares, one with the word "yes" beside it and another with the word "no" beside it.

324:3 Form of Primary Ballot. Amend RSA 656:23 to read as follows:

656:23 General Form. The state primary election ballot shall be as nearly as practicable in the same form as the state general election ballot[, except that to the right of the name of each office shall be printed the words "Vote for not more than", instead of "Vote for any",

and that blank lines for write-in votes shall be placed below the names printed on the ballot].

324:4 Order of State Representatives Surnames. Amend RSA 656:24 to read as follows:

656:24 Order of Names. With the exception of the office of state representative, whenever there are 2 or more candidates for nomination to the same office, the names of such candidates shall be alternated on the state primary election ballots used so that each name shall appear thereon as nearly as may be an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list in which it belongs. [Names of candidates for nomination to the office of state representative shall be arranged in the alphabetical order of their surnames.] **The alphabetical order of all the candidates' surnames for the office of state representative shall be determined by the secretary of state once every 2 years, beginning in 1994. At 11:00 o'clock a.m. on the first day of the filing period as provided in RSA 655:14, the secretary of state shall hold a public drawing in the secretary of state's office to randomly pick one letter of the alphabet. The secretary of state shall then proceed with listing the surnames of the candidates for nomination to the office of state representative, for each state primary and general election, according to the alphabetical order to be used for that election year. The alphabetical order to be used for that election year shall begin with the letter picked by the secretary of state.**

324:5 Marking the Ballot; Split Ticket Voting. Amend RSA 659:17, IV to read as follows:

IV. In a state general election, the following instructions to voters for split ticket voting shall be printed on the ballot: If you do

not wish to vote for [one political party] **all candidates running in the same party**, make the appropriate mark **opposite the names of the candidates for whom you wish to vote.**

324:6 New Section; Appropriate Mark Defined. Amend RSA 659 by inserting after section 17 the following new section:

659:17-a Appropriate Mark. For the purposes of this chapter, the term "appropriate mark" shall mean the mark to be used in the proper manner of marking the ballot as stipulated in the instructions to voters.

324:7 Counting Straight Party Votes. Amend RSA 659:66 to read as follows:

659:66 Counting Straight Party Vote. If, in accordance with RSA 659:17, a ballot is marked to indicate a straight party vote, but [the name of a candidate for an office is erased or cancelled and a cross is in the square] **an appropriate mark is** beside the name of [another] **a candidate of a different party** for [that] **any** office, or the name of a person is written on the lines for write-in votes, then the vote so **appropriately** marked [in the square] or so written on the lines for write-in votes

shall be counted and [a vote shall not be counted for the candidate whose name is erased or cancelled] **shall override the straight party vote for that office.**

324:8 Effective Date Changed. Amend HB 449 of the 1994 legislative session by replacing section 14 with the following:

324:14 Effective Date. This act shall take effect upon its passage.

324:9 Application. The provisions of this act shall first apply to the state primary and state general election ballots used in 1994.

324:10 Contingency. If HB 449, "An Act relative to listing candidates on general election ballots," of the 1994 legislative session becomes law, the provisions of sections 1-3 and 5-9 of this act shall take effect at 12:01 a.m. on the effective date of HB 449. If HB 449 does not become law, the provisions of sections 1-3 and 5-9 of this act shall not take effect.

324:11 Effective Date.

I. Sections 4 and 10 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect as provided in section 10 of this act.

Approved: June 8, 1994

Effective: I. Section 4 and 10 shall take effect June 8, 1994.

II. The remainder shall take effect as provided in section

10 of this act.

Effective Date. This act shall take effect 60 days after its passage.

ed May 20, 1986.]

e Date July 19, 1986.]

CHAPTER 125 (HB 405)

TO PROVIDE FOR THE COMPREHENSIVE STUDY OF THE SAU STRUCTURE
WITHIN THE STATE OF NEW HAMPSHIRE AND DECLARING A
MORATORIUM ON CHANGES IN THE SAU STRUCTURE.

*acted by the Senate and House of Representatives in General Court
ad.*

Study Committee.

ere is hereby established a committee to be composed of the following 6

3 members of the senate to be appointed by the president of the senate;

3 members of the house of representatives to be appointed by the
of the house.

he members shall choose a chairman from among the committee. The
; of the committee shall serve without compensation, except that the
e members shall be entitled to mileage at the legislative rate.

The committee shall set the criteria for studying the effectiveness and
of the SAU structure in New Hampshire. Upon establishing the criteria,
nittee, with the assistance of the legislative budget assistant, shall hire
ndent consultant to review, study, and report on the effectiveness and
if the SAU structure in New Hampshire. The consultant shall submit a
December 1, 1986, to the committee established in paragraph I, to the
; of the senate, to the speaker of the house of representatives, and to the

Funding the Study. The cost of this study shall not exceed \$25,000 and
paid from funds appropriated to the legislative budget assistant, post
ision by 1985, 406.01,01,02,03,02, consultant fees, class 90, as of the effec-
of this act.

Moratorium. The general court hereby declares a moratorium on further
in the SAU structure pending completion of the study provided for by
r until July 1, 1987.

Effective Date. This act shall take effect upon its passage.

ed May 20, 1986.]

e Date May 20, 1986.]

CHAPTER 126 (HB 464)

IN ACT RELATIVE TO OVERSEAS VOTERS, ARMED SERVICES VOTERS,
GENERAL ELECTION BALLOTS, AND ELIMINATING
REFERENCES TO ELECTORS ON THE BALLOT.

*acted by the Senate and House of Representatives in General Court
ad.*

126:1 Eliminating Reference to Presidential Electors. Amend RSA 652:13
(supp) as inserted by 1979, 436:1 as amended by striking out said section and
inserting in place thereof the following:

652:13 Federal Election. "Federal election" shall mean any state general, spe-
cial, or primary election held solely or in part for the purpose of choosing or
nominating any candidates for the offices of president, vice-president, United
States senator, or United States representative. For federal overseas voters who
are eligible to vote in federal elections as provided in RSA 657:2, "federal election"
shall also include any presidential primary election.

126:2 Reference to Electors Removed. Amend RSA 656:4 (supp) as inserted by
1979, 436:1 by striking out said section and inserting in place thereof the follow-
ing:

656:4 Name and Domicile. Every state general election ballot shall contain the
name and domicile of each candidate who has been nominated in accordance with
the election laws, except as hereinafter provided, and shall contain no other name
except party appellations. The names and addresses of the presidential electors
shall not be printed on the ballot; but, in lieu thereof, the names of a party's
candidates for president and vice-president shall be printed thereon under the
designation for "President and Vice-President of the United States". If a nomina-
tion has been made by nomination papers, the words "Nom. Papers" shall be
added to the name of the political party.

126:3 Instruction to Voters. Amend RSA 656:6 (supp) as inserted by 1979,
436:1 by striking out said section and inserting in place thereof the following:

656:6 Designation of Office. Immediately above the offices column shall be
printed the instructions to voters as provided in RSA 659:18. The offices column
shall be immediately to the left of the set of party columns. The offices column
shall list the offices, each preceded by the word "For", for which the candidates
whose names are listed in the party columns have been nominated, as in "For
Governor". Below each such phrase shall be printed in small but easily legible
letters "Vote for any (here insert a number designating how many persons are to
be voted for)".

126:4 Reference to Electors Removed. Amend RSA 656:7 (supp) as inserted by
1979, 436:1 as amended by striking out said section and inserting in place thereof
the following:

656:7 Order of Offices. The order in which the officers to be voted for shall be
placed in the party columns shall be as follows: president and vice-president of the
United States, governor, United States senator, representative in congress, exec-
utive counselor, state senator, representative to the general court and county
officers.

126:5 Eliminating Reference to Electors. Amend RSA 656:8 (supp) as inserted
by 1979, 436:1 by striking out said section and inserting in place thereof the fol-
lowing:

656:8 Squares. Directly at the right of the name of each candidate there
a square; except that, in the case of president and vice-president of the
States, one square shall suffice which shall be placed opposite the de-
"President and Vice-President of the United States".

126:6 Instructions; Circle. Amend RSA 656:10 (supp) as inserted by
as amended by striking out said section and inserting in place thereof
ing:



U.S. Department of Justice

Civil Rights Division

EXHIBIT

656:6 F

JDR:RPL:SMC:jdh
DJ 166-012-3
2004-2563
2004-2581
2004-2582

*Voting Section - NWB.
950 Pennsylvania Avenue, N.W.
Washington, DC 20530*

June 22, 2004

Orville B. Fitch II, Esq.
Assistant Attorney General
Civil Bureau
Department of Justice
33 Capitol Street
Concord, New Hampshire 03301-6397

Dear Mr. Fitch:

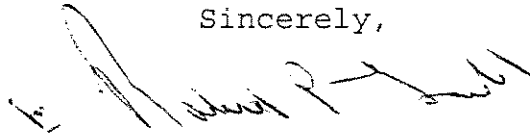
This refers to Session Law Chapter 436 (HB 575) (1979), which recodifies the election laws of the State of New Hampshire; Session Law Chapter 266 (HB 577) (2003), which implements the Help America Vote Act of 2002 (HAVA), 42 U.S.C. 15301-15545; and the adoption of formal administrative procedures for the resolution of election law complaints, including complaints filed under Title III of HAVA, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on June 7, 2004.

The Attorney General does not interpose any objection to the specified changes. Regarding Session Law Chapter 266, we note that the act specifically amends the following provisions of the State's election laws: RSA 655:19, II (Chapter 387 (1991)) (to provide for the deposit of certain candidate filing fees collected by the secretary of state into the election fund); RSA 655:19-c (Chapter 387 (1991)) (to provide for the deposit of any administrative assessments paid to the secretary of state into the election fund); RSA 664:3, I (Chapter 351 (1997)) (to provide for the deposit of political committee registration fees paid to the secretary of state into the election fund); RSA 664:21, II (Chapter 351 (1997)) (to provide for the deposit of any administrative fines for violations of the State's campaign finance laws into the election fund); and RSA 665:7 (Chapter 436 (1979)) (to authorize the Ballot Law Commission to hear and resolve complaints alleging violations of Title III of HAVA, as specified).

We note also that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Session Law Chapter 266 includes provisions that are enabling in nature. Therefore, the State is not relieved of its responsibility to seek Section 5 preclearance of any changes affecting voting proposed to be implemented pursuant to this legislation (e.g., creation of a centralized statewide voter registration database by the secretary of state and guidelines issued by the secretary of state implementing the database). See 28 C.F.R. 51.15.

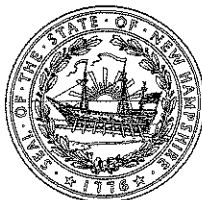
Sincerely,

A handwritten signature in dark ink, appearing to read "Joseph D. Rich", is written over a horizontal line.

Joseph D. Rich
Chief, Voting Section

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397



KELLY A. AYOTTE
ATTORNEY GENERAL

MICHAEL A. DELANEY
DEPUTY ATTORNEY GENERAL



News Release

RELEASED BY: Attorney General Kelly A. Ayotte

SUBJECT: Voting Rights Act – Submission of a request for preclearance of changes to New Hampshire Voting laws and procedures

DATE: June 10, 2005

RELEASE TIME: Immediate

Attorney General Kelly A. Ayotte announces the submission of requests for preclearance of changes made to the election laws in New Hampshire to the Federal Department of Justice. Preclearance submissions will address changes made to New Hampshire's election laws since jurisdictions in the State became subject to preclearance.

Ten New Hampshire towns are subject to section 5 of the federal Voting Rights Act. Changes to New Hampshire election laws that affect any of these ten towns must be submitted for review by either the Federal Department of Justice or the Federal District Court for Washington D.C. The federal Department of Justice will review the changes to New Hampshire's election laws to ensure that the changes do not have the effect of denying or abridging the right to vote on account of race or color, or membership in a language minority group. Changes to New Hampshire redistricting statutes have been submitted to, and approved by, the U.S. Justice Department since the 1980 census. Federal regulations require that the public be notified that the State has filed a request for preclearance and that the submission be available for public inspection.

Copies of each submission by the Attorney General for the State of New Hampshire are available at the office of the Attorney General at 33 Capitol Street, Concord New Hampshire, 03301. Each document will also be made available at the Attorney General's Office web site at:

<http://www.doj.nh.gov/elections/>

Attorney General Ayotte and the federal Department of Justice invite persons interested in this submission to submit comments and information, in writing or by telephone, to the Voting Section of the Federal Department of Justice, Civil Rights Division, at the earliest possible date to ensure that they may be considered during the preclearance review time period. Telephone 1-800-253-3931 or (202) 307-2385 or write Chief, Voting Section, Civil Rights Division, Room 7354 – NWB, Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC 20530. The envelope and first page should be marked "Comment under section 5." Additional information on the Voting Rights Act and the preclearance process can be obtained at the web site of the Federal Department of Justice at:

<http://www.usdoj.gov/crt/voting/index.htm>

The New Hampshire Attorney General's Office Voting section can be contacted at:

<http://www.doj.nh.gov/elections/>
New Hampshire Toll Free 1-866-8868-3703
or 1-866-VOTER03
electionlaw@doj.nh.gov